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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 NEXTUNE, INC., a Washington
7 Corporation,

8 Plaintiff/Counterclaim Defendant,

9 v.

10 ROBERT BUCKNER MCKINNEY,
11 individually; and EMI MUSIC
NORTH AMERICA, a Delaware
Corporation,

12 Defendants/Counterclaimant,

13 v.

14 MICHAEL DUKANE, individually;
15 and GEOFF MEAGHER, individually,

Counterclaim Defendants.

C12-1974 TSZ

MINUTE ORDER

16 The following Minute Order is made by direction of the Court, the Honorable
17 Thomas S. Zilly, United States District Judge:

18 (1) Plaintiff's motion for a protective order, docket no. 99, is DENIED.
19 Plaintiff has failed to establish that the materials in question are trade secrets or otherwise
20 confidential and that disclosure would cause specific prejudice or harm. Foltz v. State
21 Farm Mutual Auto Ins. Co., 331 F.3d 1122, 1130 (9th Cir. 2003). The question of
whether these documents are trade secrets goes to the heart of Plaintiff's claim of
misappropriation of trade secrets and whether or not they constitute "trade secrets"
cannot be decided on the record before the Court.

1 (2) Defendants' request for sanctions, docket no. 103 at 13, is DENIED.

2 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
3 record.

4 Dated this 23rd day of September, 2013.

5 William M. McCool
6 Clerk

7 s/Claudia Hawney
8 Deputy Clerk
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